

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

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**AUG 31 1999**

**PATRICK FISHER**  
Clerk

RICHARD TALLEY,

Plaintiff-Appellant,

v.

FURR'S MARKET, INC., and NEW  
MEXICO DEPARTMENT OF LABOR,

Defendants-Appellees.

No. 99-2100

(D.C. No. CIV-97-1320-JC)  
(D. N.M.)

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**ORDER AND JUDGMENT\***

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Before **SEYMOUR**, Chief Judge, **BALDOCK**, and **HENRY**, Circuit Judges.\*\*

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Plaintiff Richard Talley appeals the district court's dismissal of his pro se complaint alleging racial discrimination in violation of 42 U.S.C. §§ 1983 & 2000(a) against Defendants Furr's Market and the New Mexico Department of Labor. We have thoroughly reviewed the parties' briefs, the district court's orders, and the entire record

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

\*\* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. See Fed. R. App. P. 34(a)(2)(C); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

before us. We affirm substantially for the reasons stated in the district court's Memorandum Opinion and Order dated March 1, 1999.<sup>1</sup>

AFFIRMED.

Entered for the Court,

Bobby R. Baldock  
Circuit Judge

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<sup>1</sup> Plaintiff's motion to proceed on appeal in forma pauperis pursuant to 28 U.S.C. § 1915(a) is allowed.